

## **AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1 (Currently amended): A method for ~~the treatment or protection against a neuromuscular or muscular condition of a heart tissue~~ treating or protecting against injury or damage to heart tissue in mammals, comprising administering peripherally to a mammal in need thereof ~~of treatment for a neuromuscular or muscular condition of a heart tissue~~ a non-toxic amount of EPO effective for the protection or repair ~~of a of the~~ heart tissue, ~~such that the neuromuscular or muscular condition of a heart tissue is treated in said mammal.~~

2 (Currently amended): The method of Claim 1 wherein said ~~condition~~ injury or damage is the result of a myocardial infarction.

3 (Original): The method of Claim 1 wherein said administration comprises oral, topical, intraluminal or by inhalation or parenteral administration.

4 (Original): The method of Claim 3 wherein said parenteral administration is intravenous, intraarterial, subcutaneous, intramuscular, intraperitoneal, submucosal or intradermal.

5 (Original): The method of Claim 1 wherein said administration is acute or chronic.

6 (Canceled)

7 (Original): The method of Claim 1 wherein said EPO is administered at a dose greater than the dose necessary to maximally stimulate erythropoiesis.

8 (Previously presented): The method of Claim 1 wherein said EPO is a recombinant form of erythropoietin.

9 (Canceled)

10 (Canceled)

11. (New) The method of Claim 1 wherein the injury or damage is the result of heart failure.

12. (New) The method of Claim 1 wherein the injury or damage is the result of a cardiac arrest, cardiac ischemia, cardiac inflammation, dysrhythmia, or cardiac trauma.